IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ROBIN GLACE, MARGARET KINNAMON, * SHERRY MCCANE and DIXIE SEMANS, *

Plaintiffs,

* C.A. NO.:06-767

v. *

* Trial by Jury Demanded

*

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*

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*

INTERNAL MEDICINE OF BRIDGEVILLE, a sole proprietorship operating in the State of Delaware, KENNETH R. SMITH, M.D., individually as sole proprietor of Internal Medicine of Bridgeville

Defendants.

NOTICE OF DEPOSITION

TO: Martin D. Haverly, Esquire

Two East Seventh Street, Suite 201

Wilmington, DE 19801

PLEASE TAKE NOTICE that counsel for the Defendants will take the depositions of the below named in the law office of Liguori, Morris & Yiengst, 46 The Green, Dover, DE 19901 at the dates and times indicated.

DEPONENT	<u>DATE</u>	TIME
Anne Elliott	November 12, 2007	1:00 p.m.
Sue Murphy	November 12, 2007	1:45 p.m.
Patricia Russell	November 12, 2007	2:30 p.m.
Betty Richards	November 12, 2007	3:15 p.m.
Angela Zimmerman	November 12, 2007	4:00 p.m.

LIGUORI, MORRIS & YIENGST

By: /s/ James E. Liguori, Esquire JAMES E. LIGUORI Delaware Bar ID No. 415 46 The Green Dover, Delaware 19901 jliguori@lmylaw.com (302) 678-9900 Attorney for Defendants

Dated: October 22, 2007

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

ROBIN GLACE, MARGARET KINNAMON, * SHERRY MCCANE and DIXIE SEMANS,

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Plaintiffs,

C.A. NO.:06-767

v.

* **Trial by Jury Demanded**

INTERNAL MEDICINE OF BRIDGEVILLE, a sole proprietorship operating in the State of Delaware, KENNETH R. SMITH, M.D., individually as sole proprietor of Internal **Medicine of Bridgeville**

*

Defendants.

CERTIFICATE OF SERVICE

I, James E. Liguori, being a member of the Bar of Court, do hereby certify that on October 22, 2007 I caused the foregoing Notice of Depositions to be delivered via CM/ECF e-filing and first class mail postage prepaid to the following:

> Martin D. Haverly, Esquire Two East Seventh Street, Suite 201 Wilmington, DE 19801

LIGUORI, MORRIS & YIENGST

By: /s/ James E. Liguori, Esquire JAMES E. LIGUORI Delaware Bar ID No. 415 46 The Green Dover, Delaware 19901 iliguori@lmylaw.com (302) 678-9900 Attorney for Defendants

Dated: October 22, 2007

Robin Glace, Margaret

Kinnamon, Sherry McCane and

DISTRICT OF DELAWARE

ixie Semans	BPOENA IN A CIVIL CASE
extstyle ext	
Casi	e Number: 06-767
elaware, Kenneth R. Smith, M.D., individually as sole proprietor of I	nternal Medicine of Bridgeville
TO: Annie Elliott	
360 Graham Branch Rd.	
Seaford, DE 19973	
☐ YOU ARE COMMANDED to appear in the United States District co testify in the above case.	ourt at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time speci in the above case.	fied below to testify at the taking of a deposition
PLACE OF DEPOSITION	DATE AND TIME
Liguori, Morris & Yiengst 46 The Green, Dover,	DE 19901 Monday, Nov. 12, 2007 @ 1:00 p.m.
YOU ARE COMMANDED to produce and permit inspection and copy place, date, and time specified below (list documents or objects):	ring of the following documents of objects at the
PLACE	DATE AND TIME
☐ YOU ARE COMMANDED to permit inspection of the following pre	mises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of a directors, or managing agents, or other persons who consent to testify on its behal matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF O	f, and may set forth, for each person designated, the 6). R DEFENDANT) DATE
Attorney for Defendan ISSUING OFFICER'S NAME ADDRESS AND PHONE NUMBER	ts
James E. Liguori, Esquire, 46 The Green, Dover	r, DE 19901

⁽See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

	PROOF OF SERVICE
DATE	PLACE 360 GRAHAM BRANCH Rd SLAFORD DE 19973
SERVED ANNIE EllioTT	SLAFORD DE 19973
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Anne Ellett	65.50 PM W/a/or @ Above Rosdace
	@ 5:50 PM 10/12/07 @ Above Residence
SERVED BY (PRINT NAME)	TITLE
John M. PERRY	Director of Investigations SSI
	DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	
	DATE

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Robin Glace, Margaret

Kinnamon, Sherry McCane and

DISTRICT OF DELAWARE

Dixie Semans

V.	SUBPOENA IN A CIVIL CASE
Internal Medicine of Bridgeville, a sole	
proprietorship operating in the State of	Case Number: 1 06-767
Delaware, Kenneth R. Smith, M.D., individually as sole proprietor	of Internal Medicine of Bridgoville
TO: Sue Murphy	or bridgeville
116 E. 3rd St.	
Blades, DE 19973	
☐ YOU ARE COMMANDED to appear in the United States Distrestify in the above case.	ict court at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	COURTROOM
	DATE AND TIME
YOU ARE COMMANDED to appear at the place, date, and time in the above case.	specified below to testify at the taking of a deposition
PLACE OF DEPOSITION	
Liguori, Morris & Yiengst 46 The Green, Dov	er, DE 19901 DATE AND TIME Monday, Nov. 12, 2007 @ 1:45 p.m.
☐ YOU ARE COMMANDED to produce and permit inspection and place, date, and time specified below (list documents or objects):	copying of the following documents or objects at the
PLACE	DATE AND TIME
YOU ARE COMMANDED to permit inspection of the following PREMISES	premises at the date and time specified below.
I KENISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of directors, or managing agents, or other persons who consent to testify on its be matters on which the person will testify. Federal Rules of Civil Procedure, 30 ISSUING OFFICER'S RIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTING OFFICER'S NAME, ADDRESS AND PHONE NUMBER James B. Linguori, Esquire, 46 The Green, Dor (302) 688 9900	(b)(6). FF OR DEFENDANT) Defendants
(302) 6 8 9900) The dreen, bo	ver, DE 1990]

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

AO88	(Delaware	Rev.	7/00) Subpoe	ena in a	Civil	Case
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	PROOI	F OF SERVICE						
	DATE	PLACE 116	E	BRd	ST.	Blades,	DE	1997
SERVED								
Sue Murph	4							
SERVED ON (PRINT NAME)		MANNE	R OF SI	ERVICE				
Sue Musephy	@ 8:45 pm	10/12/07	ha	nd to	hard	@ Abou	e Res	dece
SERVED BY (PRINT NAME)		TITLE		OPPORTUNITION OF THE STATE OF T	and the property of the second se			WIND HOLDEN B
John M. PERRY	D	rector of	IN	vestiga	Tions	55		
		TION OF SER				,		

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	
	DATE

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

R

Robin Glace, Margaret		
Kinnamon, Sherry McCane and	DISTRICT OF DELAWARE	
Dixie Semans	SUBPOENA IN	A CIVIL CASE
V.	SUDI CENA IN	A CIVIL CASE
Internal Medicine of Bridgeville, a sole		
proprietorship operating in the State of	Case Number: ¹	06-767
Delaware, Kenneth R. Smith, M.D., indiv	idually as sole proprietor of Internal Medici	ne of Bridgeville
TO: Patricia Russell		
16913 Beaver Dam Rd.		
Ellensdale, DE 19941		
☐ YOU ARE COMMANDED to appear testify in the above case.	ar in the United States District court at the place	, date, and time specified below
PLACE OF TESTIMONY		COURTROOM
		DATE AND TIME
in the above case. PLACE OF DEPOSITION Liguori, Morris & Yiengst	46 The Green, Dover, DE 19901	DATE AND TIME Monday, Nov. 12, 2007 @ 2:30 p.m.
place, date, and time specified below	nce and permit inspection and copying of the follow (list documents or objects):	wing documents or objects at the
PLACE		DATE AND TIME
☐ YOU ARE COMMANDED to perm	it inspection of the following premises at the da	te and time specified below.
PREMISES		DATE AND TIME
directors, or managing agents, or other person matters on which the person will testify. Fed ISSUING OFFICER'S SIGNATURE AND TITLE (INITIAL INSUING OFFICER'S NAME, ADDRESS AND PHOJAMES E. Liguori, Esquire	DICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT) Attorney for Defendants NE NUMBER	DATE
(302) 678-9900		
(See I	Rule 45 Federal Rules of Civil Procedure, Parts C & D on next page)	

¹ If action is pending in district other than district of issuance, state district under case number.

	PROOF OF SERVICE
DATE	PLACE 16913 Beauce DAM Rd
SERVED PATRICIA RUSSE	11 Ellendale, DE 19941
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Husbard - Rich Russell	had to have @ 8:51A4 Sat 10/13/07 @ About Rosidnas
SERVED BY (PRINT NAME)	TITLE
John M. PERRY	Director of Investigations, SSI
	DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	m.
DATE	SIGNATURE OF SERVER
	SSI P.O. Box 130
	ADDRESS OF SERVER
	Marydel DE 19964
1 45 E 1 1D 1 CC 1D 1 D CO D	

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

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- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

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Robin Glace, Margaret

Kinnamon, Sherry McCane and DISTRIC	CT OF DELAWARE
Dixie Semans	SUBPOENA IN A CIVIL CASE
m V. Internal Medicine of Bridgeville, a sole	
proprietorship operating in the State of	Case Number: 06-767
Delaware, Kenneth R. Smith, M.D., individually as	sole proprietor of Internal Medicine of Bridgeville
TO: Betty Richards	
12107 Cool Branch Rd.	
Laurel, DE 19956	
YOU ARE COMMANDED to appear in the Un testify in the above case.	ited States District court at the place, date, and time specified below
PLACE OF TESTIMONY	COURTROOM
	DATE AND TIME
in the above case.	e, date, and time specified below to testify at the taking of a deposition
PLACE OF DEPOSITION Liguori, Morris & Yiengst 46 The	Green, Dover, DE 19901 DATE AND TIME Monday, Nov. 12, 2007 @ 3:15 p.m
place, date, and time specified below (list docur	nit inspection and copying of the following documents or objects at the ments or objects):
PLACE	DATE AND TIME
☐ YOU ARE COMMANDED to permit inspection	on of the following premises at the date and time specified below.
PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpodirectors, or managing agents, or other persons who consmatters on which the person will testify. Federal Rules o	enaed for the taking of a deposition shall designate one or more officers, ent to testify on its behalf, and may set forth, for each person designated, the f Civil Procedure, 30(b)(6).
ISSUING OFFICER'S SIGNATURE AND TITLE (INDICATE IF AT	TORNEY FOR PLAINTIFF OR DEFENDANT) DATE
	torney for Defendants
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER James E. Liguory, Esquire, 46 (302) 678-9900	The Green, Dover, DE 19901
(See Rule 45, Federal F	Rules of Civil Procedure, Parts C & D on next page)

¹ If action is pending in district other than district of issuance, state district under case number.

	PROOF OF SERVICE
	DATE PLACE 12107 Cool Bruch Rd.
SERVED Betty Rich	DATE PLACE 12107 Cool Bruch Rd. LAUREL, DF 19956
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Husband	
AARON RICHARds	Hand To Hand @ 7:12 AM Wed 10/17/07 @ Above Residence
SERVED BY (PRINT NAME)	TITLE
John M. PERRY	DIRECTOR OF INVESTIGATIONS, S.S.I.
	DECLARATION OF SERVER
I declare under penalty of pe	rjury under the laws of the United States of America that the foregoing information is true and correct

Executed on	
	DATE

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
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- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides. is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

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- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
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Robin Glace, Margaret

Kinnamon, Sherry McCane and	DISTRICT OF DELAWARE	
Dixie Semans	SURPOENA	IN A CIVIL CASE
V. Internal Medicine of Bridgeville, a		
proprietorship operating in the Stat	ce of Case Number	:1 06-767
Delaware, Kenneth R. Smith, M.D., in	ndividually as sole proprietor of Internal Me	dicine of Bridgeville
TO: Angela Zimmerman		
2973 Tub Mill Pond Road		
Milford, DE 19963		
☐ YOU ARE COMMANDED to a testify in the above case.	ppear in the United States District court at the p	place, date, and time specified below
PLACE OF TESTIMONY		COURTROOM
		DATE AND TIME
YOU ARE COMMANDED to ap in the above case.	ppear at the place, date, and time specified below	to testify at the taking of a deposition
PLACE OF DEPOSITION Liguori, Morris & Yieng	st 46 The Green, Dover, DE 19	DATE AND TIME Monday, Nov. 12, 2007 @ 4:00 p.m
place, date, and time specified be	roduce and permit inspection and copying of the selow (list documents or objects):	following documents or objects at the
PLACE		DATE AND TIME
☐ YOU ARE COMMANDED to p	permit inspection of the following premises at the	e date and time specified below.
PREMISES		DATE AND TIME
directors, or managing agents, or other p matters on which the person will testify. ISSUING OFFICER'S SIGNATURE AND TITE ISSUING OFFICER'S NAME, ADDRESS AND James E. Liguori, Esqu. (302) 678-9900	ire, 46 The Green, Dover, DE	set forth, for each person designated, the NT) DATE S
	(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)	

¹ If action is pending in district other than district of issuance, state district under case number.

AO88 (Delaware Rev. 7/00) Subpoena in a Civil Case

PROOF O	F SERVICE
DATE	PLACE 2973 Tub Mill Rond Rd
SERVED Angela Zinnerman	Milford, DE 19963
SERVED ON (PRINT NAME) HER Motlar-10-law And Fellow Resident	MANNER OF SERVICE 4:07 PM FR. 10/12/07
SANdra Scott	
SERVED BY (PRINT NAME)	TITLE
John M. PERRY Director	of Investigations SSI
DECLARATIO	ON OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on	
	DATE

Rule 45, Federal Rules of Civil Procedure, Parts C & D:

(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 - (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 - (iv) subjects a person to undue burden.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.